

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 9140 of 2007

DATED: 27-04-2007

Between:

G.Venkataswamy and another

...Petitioners

and

Government of Andhra Pradesh, rep. by its
Secretary, Municipal Administration Dept.,
Hyderabad and others

...Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 9140 of 2007

Oral order:

The writ petition is misconceived. It is directed against a notice dated 22-3-2007 of the respondent-Municipal Corporation whereunder the petitioner was informed that the road from Panjagutta Junction to Maitrivanam Junction is being widened to a width of 150' for ensuring free flow of traffic; that for the road widening programme, the petitioner's premises bearing No.

8-2-235 would affect to a depth of 24'-6" to 24'-0", in all to an extent of 72.75 Sq. yards; that the petitioner should cooperate and hand over advance possession of the area effected by the road widening; that the MCH will arrange to pay compensation for structural valuation in respect of the affected portions and the petitioner will be allowed to avail the concession as prescribed by the Government in G.O.Ms.No.483, MA dated 24-8-1998 for the redevelopment of the balance area. The petitioner is not inclined to surrender his property to the Corporation.

If the petitioner does not consent, the respondent-Corporation will have to compulsorily acquire the property under Section 147 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'). They are not entitled to forcibly dispossess the petitioner without initiating formal process of acquisition. In fact, no steps have yet been taken by the respondent-Corporation to forcibly dispossess the petitioner or even to initiate any process under Section 147 of the Act.

On the aforesaid analysis, the writ petition is filed on a mere

apprehension. There are no merits in the writ petition.

The writ petition is accordingly dismissed at the stage of admission. There shall be no order as to costs.

GODA RAGHURAM, J

27-04-2007
GRR